

U.S. – , 126 S. Ct. 2572 (2006), on his First Amendment claim. To the extent that plaintiff rests his claims on the contention that he was denied certain property or privileges, such as access to photographs, non-religious newspapers, calendars, radio, etc., in the LTSU, the Defendants have a legitimate penological interest in not permitting him to have such privileges/ property. Id. (finding in a class action that the policy objective of limiting privileges in the LTSU in order to motivate better behavior on the part of particularly difficult prisoners satisfies the Turner standard). Finally, contrary to plaintiff's unfounded assertions, he was a class member who now is bound by the holding in Banks. Accordingly, any First Amendment claim founded on the idea that plaintiff was being improperly deprived of such material or privileges fails as a matter of law.



David Stewart Cercone
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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